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MEMO ENDORSED

May 20, 2008

VIA FACSIMILE

The Honorable Colleen McMahon
United States District Judge
United States District Courthouse
500 Pearl Street, Room 640
New York, New York 10007

Re: Lee v. SONY BMG MUSIC ENTERTAINMENT, et al.
07 CV 6733 (CM)

5/21/08
USDS SDNY
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DATE FILED: 5/21/08

Dear Judge McMahon:

We are counsel for Defendants SONY BMG MUSIC ENTERTAINMENT and Barbara Warnock-Morgan in the above-referenced action. We submit this letter to request that the Court extend the time to respond to Plaintiff's anticipated second amended complaint and the date for the completion of all discovery. Plaintiff's counsel joins in this request.

By Decision and Order, dated and filed on May 16, 2008, Your Honor granted, in part, and denied, in part, Defendants' motion to dismiss the First Amended Complaint. Plaintiff purported to allege various discrimination claims. The Court has ordered Plaintiff to file her second amended complaint within ten days of the date of the Order, which, in accordance with Rule 6, is Thursday, May 29, 2008. Depending on the allegations of the new complaint, Defendants will either answer or move to dismiss the repleaded causes of action. Under Rules 6 and 15, the response will be due Monday, June 16.

Over the weekend, my colleague, Robert P. Mulvey, Esq., who is assisting me with the defense of this action, was stricken with a heart attack and underwent an angioplasty procedure. He returned home on Monday to begin his convalescence. Mr. Mulvey expects to return to work in early June. In view of Mr. Mulvey's circumstances, we request that the Court permit Defendants to respond to the second amended complaint on or before Friday, July 11, 2008.

We also request that the Court permit the parties to complete discovery by Friday, October 31, 2008. Under the existing Civil Case Management Plan, the parties

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are required to complete discovery by July 31, 2008. The Court previously denied the parties' joint request to stay discovery while Defendants' motion was pending. Without an extension, Defendants have approximately a month and half to complete discovery if the existing schedule remains unchanged. At present, it is not known whether Plaintiff will replead each claim that was dismissed without prejudice. Accordingly, we request that the discovery period be lengthened to accommodate the filing of Plaintiff's new pleading and the due date, as requested herein, of Defendants' response. The number and scope of party and non-party depositions, including experts, will be directly impacted by whether Plaintiff repleads her discrimination claims on account of disability and her claims for retaliation and intentional infliction of emotional distress.

We advise the Court that the parties have been diligently pursuing discovery. We have exchanged compulsory discovery, written discovery and the responses thereto. The document exchange is continuing. Based on all the foregoing, we submit that the requested extensions are reasonable and necessary and will neither substantially nor unduly delay the prompt advancement of this case for trial.

Respectfully submitted,



Jonathan D. Davis

JDD:hs

cc: Michael J. Borrelli, Esq. (Via Facsimile)
Matthew J. Blit, Esq. (Via Facsimile)